

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HAW,

Plaintiff,

v.

HOWARD,

Defendant.

No. C 12-05167 SI

**ORDER DENYING PLAINTIFF'S
MOTION FOR ATTORNEYS' FEES AND
COSTS**

Currently before this Court is plaintiff's motion for attorneys' fees and costs. Pursuant to Civil Local Rule 7-1(b), the Court determines that these matters are appropriate for resolution without oral argument and VACATES the hearing scheduled for January 25, 2013.

This case stems from an action for unlawful detainer under California state law. Defendant removed the action from Alameda County Superior Court on October 4, 2012. On October 30, 2012, plaintiff filed a motion to remand, which the Court granted on December 13, 2012 because of a lack of federal subject matter jurisdiction. Defendant's instant motion requests attorneys' fees and costs on the grounds that plaintiff's removal was not reasonable. The Court in its discretion may award attorneys' fees and costs incurred as a result of the removal. 28 U.S.C. § 1447(c). However, there is no evidence in the record that defendant, who is pro se, removed the case to abuse or harass plaintiff, or add unnecessary expense to the litigation. Therefore, the Court in its discretion DENIES plaintiff's request for an award of attorneys' fees and costs.

IT IS SO ORDERED.

Dated: January 14 , 2013



SUSAN ILLSTON
United States District Judge